

✓
7able

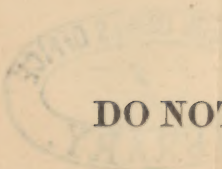
Can't this

em



NOTE TO EDITORS.


This, the second edition of this very instructive pamphlet, which might well be called an eye-opener, has been published for circulation among editors, to furnish them with facts and information that will enable them to speak "as one having authority" upon the very important subject herein presented. Those who review it or make comments upon it will oblige by sending a copy of the paper containing notice to the secretary of the National Defense Association, Dr. E. B. Foote, Jr., No. 120 Lexington Avenue, New York City. Mention of the fact that the pamphlet can be obtained of the secretary for one dime will be regarded as an additional favor.

DO NOT FAIL

To Read and Consider

WHAT IS PRESENTED

IN THIS

LITTLE BOOK.

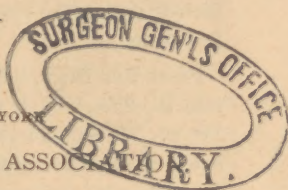
COMSTOCKISM WITH ITS
IGNORANT CENSORSHIP OF THE PRESS EXPOSED!

✓

A FABLE
OF THE
SPIDER AND THE BEES,
VERIFIED BY
FACTS AND PRESS AND PULPIT COMMENTS

WHICH SHOULD COMMAND THE
Serious Attention of every American Citizen.

—O—
COMPILED
BY THE NEW YORK
NATIONAL DEFENSE ASSOCIATION



—O—
NEW YORK:

1879.

AN INTRODUCTORY WORD.

THIS little Brochure has been hastily prepared to meet an immediate need of something to awaken all fair-minded and liberty-loving people to the danger which menaces the liberty of the Press in a country in which heretofore it has been supposed to be permanently secure.

We have no time to introduce original matter, nor is this course necessary as we have at hand more articles and paragraphs which have appeared from time to time in our journals, periodical literature and occasional pamphlets than we can conveniently use. An ingeniously written Fable from the pen of Dr. E. B. FOOTE, SR., and which originally appeared in the HEALTH MONTHLY, will first be introduced, following which will be found facts and comments sufficient to show that all the wrongs depicted in the illustrated Fable are actually being inflicted under the pretense of suppressing obscene literature.

PRICE ONE DIME, the profits on the sale of which go into the Treasury of the NATIONAL DEFENSE ASSOCIATION. We should be pleased to receive orders for from one to one hundred copies from the friends of the cause everywhere. Orders and remittances may be sent to G. L. HENDERSON, No. 141 Eighth Street, New York.

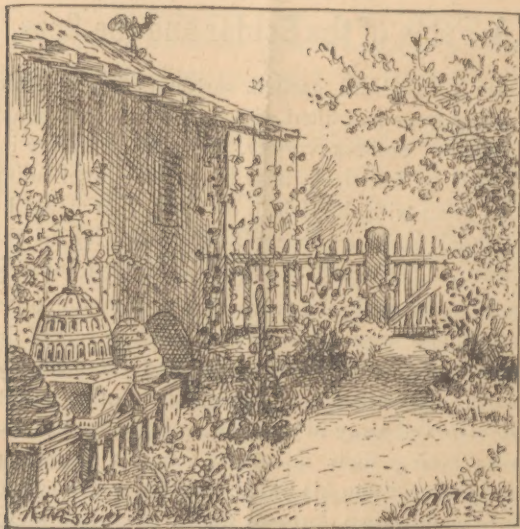
[*From Dr. Foote's Health Monthly.*]

A Fable of the Spider and the Bees.

IN A delightful garden, surrounded with fruit-bearing trees and filled with gorgeous and fragrant flowers of endless variety, was a large apiary inhabited by fat, sleek, busy bees, bent upon filling their hives with the richest of honey that could be gathered from the sweet flowers growing in the garden. These bees it should be understood were quite in the majority as compared with the other insects and were consequently the law givers of the insect community which inhabited the beautiful place. One dark night when all the other insects were stowed away in the leaves of the bushes and trees taking their nocturnal naps, a venomous spider bearing on his broad, dark back a growth of dirty white down, forming for all the world hieroglyphics which could be clearly interpreted as the letters A and C, crept stealthily up to the great central hive and sought to form an alliance with these rich and powerful insects. He begged their permission to spread a large web across the garden saying that the moths that entered their hives and devoured their honey came from a species of

4 FABLE OF THE SPIDER AND THE BEES.

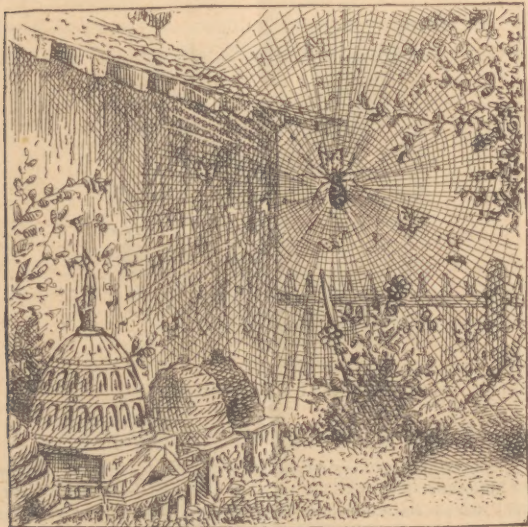
moths that had wings, and if he were permitted to weave his web he would catch all these moth-millers, and the Hessian-flies that destroyed the wheat, and all other predatory winged insects. Notwith-



THE BEAUTIFUL GARDEN.

standing the lateness of the hour the bees in the great central hive were buzzing as lively as at noonday, having under consideration some two or three hundred important measures for the pretended protection and welfare of the denizens of the garden. With a moment's pause, however, they were captured by the stratagem of the spider and gave

their high official assent to his mercenary application. When daylight came an expansive web fastened to a tree on one side of the garden and attached to a shed on the other, and extending



THE EXPANSIVE WEB.

from the very tops of the trees away down to the ground itself, was found to have been ingeniously spun. It looked as if even the bees could not fly through the air without becoming entangled in its meshes, and some of the influential bees and other well-fed insects who were popular with the insect

tribes sought the spider and expostulated with him for making his web so large and its meshes so fine. But the spider, lifting his head from a struggling butterfly that was writhing in his grasp, assured



THE OPULENT INSECT
WHICH WAS LET OUT OF THE WEB.

A complaint was entered against the President of the Society for the Suppression of Vice for sending through the mails a pamphlet which recommended Vaseline for purposes pronounced criminal by his Society. The pamphlet has been withdrawn, but no indictment was found against the guilty party.

them that the large and popular insects which should become entangled would be liberated, and that no harm would occur to them, a pledge which shortly after was shown to be faithfully kept when an opulent insect which had presided with interest

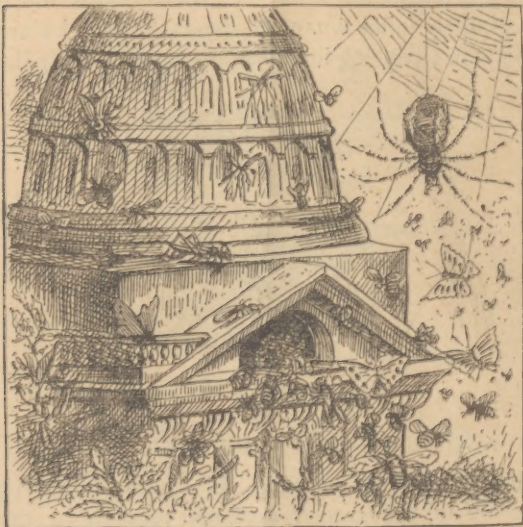
over the entire work of the spider, and which through alleged ignorance became entangled therein, was speedily relieved. The spider meanwhile was catching and sucking the blood of some of the most valuable insects of the garden—those which Prof. Gray in his botanical essays informs us are useful in fertilizing the blossoms and in making the



AND HERE IS THAT VENOMOUS SPIDER.

trees and flowers fruitful. Finally the indignant insects of the garden gathered together at the great central hive in the apiary—assembled 70,000 strong—all hard-working and intelligent insects—to ask that the web be broken down and that the garden be enjoyed by all of them. But the wary spider, with outspread legs and gleaming eyes in the centre of his great transparent web beheld the movements of the insects and quickly followed

them. He showed to the wise bees of the central hive how many of the bee-moths, the Hessian-flies and other troublesome insects he had caught in his web and how much he had done to rid the gar-



THE PETITIONS TO THE CENTRAL HIVE.

In the winter of 1877-78 a monster petition containing nearly or quite 70,000 signatures was presented to Congress by Gen. Benj. F. Butler and Senator Teller for the repeal or modification of the Comstock laws, but the "Agent" visited the Congressional Committee, accompanied by the President of the Society for the Suppression of Vice, and the Committee reported adversely.

den of these mischievous creatures. Hearing this, and ignoring the valuable work of his innocent

victims, the bees concluded not to disturb the spider and his web. At last a hive of bumble-bees who were supposed to have the wisdom and justice of an impartial tribunal were supplicated, and



THE QUESTION REFERRED TO THE SUPREME COURT.

after the bumble-bees before whom all complicated grievances were brought examined the whole question they said that a web could not be justly spun across the great free air if it prevented the freedom of circulation of the insects through the gar-

10 FABLE OF THE SPIDER AND THE BEES.

den. But after examining the matter in all its bearings with their big eyes and still bigger heads, they found that the web did not do this, for, said they, the insects who feel aggrieved can creep along the fences or on the grounds of the garden, or they can go outside of it, and that consequently the freedom of the garden was not in the least degree restrained! *—a decision which disregarded the fact that the web was indeed drawn over the ground and fences as well as across the garden and all around it! The spider therefore continued to catch all the butterflies with beautiful wings, harmless white souled millers and hard-working insects which had heretofore been flying from flower to flower and fulfilling their mission, while the large and powerful bees flew through and through the web with impunity in collecting the honey with which to fill their hives from the fragrant and many-colored flowers of the garden.

*A test case having been carried to the Supreme Court of the U. S. in the Spring of 1878, it was decided that regulations against the transportation through the U. S. mails could not be so enforced as to "interfere in any manner" with the freedom of the press, because "liberty of circulation is essential to that freedom". Therefore when such matter is excluded from the mails "this high court says its transmission in any other way cannot be forbidden by Congress." That the mail laws can be made to exclude printed matter the circulation of which cannot be "interfered with in any manner" sounds like Supreme nonsense from the Supreme Court. But so it decides.

Facts which Illustrate.

FACTS which abundantly illustrate the truth of the foregoing Fable can be compressed into a brief statement of three notable cases relating to popular physiology, free thought in theology, and radical expression in sociology. And let us first remind the reader that in the annual report of the Agent of the N. Y. Society for the Suppression of Vice, so called, in 1875, it was said that over thirty physicians had been arrested for the publication of works not considered "scient fic," and in his report for 1878, it is actually proposed to stamp out all free-thought literature.

A CASE IN THE FIELD OF PHYSIOLOGY.

In 1876, the anniversary of a FREE nation's birth, EDWARD B. FOOTE, M. D., of 120 Lexington Avenue, New York, was arrested and subjected to a three day's trial before the U. S. Court, criminal branch, for having sent through the U. S. mail a copy of a pamphlet entitled, "Words in Pearl for the Married!" With a jury which did not want to be considered inferior to anybody for purity and chastity, the Doctor was convicted and sentenced to pay a fine of \$3500! The expenses of the trial altogether amounted to over \$500! Had it not been for the intercession of ex-governors, medical gentlemen of high position and clergymen, all of whom gave testimony

to Dr. Foote's "excellence of character," "studious habits," "pure life," "keen intellect," "honest purpose," "genial humanitarianism," (the quotations indicating the precise terms used) the Doctor would have undoubtedly been consigned to a felon's cell! And for what? Simply for putting in print some twenty questions almost daily asked of him by honest enquirers after knowledge, and appending the most rational answers thereto—the whole constituting a little pamphlet of 32 pages, which he was in the habit of mailing under letter postage and in sealed envelope to those asking for such information! One medical gentleman, a leading professor in one of the medical colleges of New York, wrote to Judge Benedict, before whom the case was tried, that "Physicians generally agree that the pamphlet contains only rational answers to questions usually asked by married men of their medical advisers." It was not charged, nor was it true, that Dr. Foote had circulated this pamphlet broad-cast in the thoroughfares or in other ways forced it upon the attention of unwiling readers. We quote this case as a representative one because Dr. Foote is widely known as a popularizer and original writer of physiological literature, his "Medical Common Sense" having sold to the extent of over 250,000 copies; his "Plain Home Talk," in English and German, to over 150,000; his "Science in Story," (which was considered by one popular clergyman good enough for a Sunday-school library, into which he placed two sets) to nearly or quite 50,000 copies; and various monographs on various physiological and health subjects to the extent of more than a million copies. And this was the author, backed by an intelligent, appreciative constituency in both Europe and America, who was fined \$3500 under the "Comstock laws," and at the instance of Comstock, for mailing an *obscene* book! When the result of the trial became known the

Doctor was the recipient of letters from every quarter of the globe expressive of the writers' indignation at the injustice done to one whom John P. Jewett, the veteran publisher, characterized in his letter to the Judge as "a noble, generous-hearted, whole-souled man whose whole life has been spent, not in planning deeds of darkness, but in efforts to benefit mankind, and to leave the world better than he found it."

A CASE IN THE FIELD OF THEOLOGY.

In 1877 MR. D. M. BENNETT, the editor of the *Truth Seeker* and publisher of various books criticising orthodox theology, was arrested on the charge of blasphemy and obscenity, by Anthony Comstock, who entered the office of the *Truth Seeker* accompanied by a United States Marshal, whose function one would suppose to be the protection rather than the oppression of an American citizen guilty of nothing worse than printing his honest opinions upon theological and scientific subjects. The policy of making such attacks is sharply and justly criticised in the extract from one of the Rev. Mr. Frothingham's discourses, elsewhere presented, and need not be discussed in this place. The facts connected with the arrest were quickly communicated to Washington where such powerful influences were brought to bear as to cause an order to be issued to discontinue the prosecution. And, still, twice again has Mr. Bennett been arrested upon a similar charge and under the sweeping provisions of the Comstock laws. Mr. Bennett is in heart and purpose a humanitarian, with a constituency of not less than fifty thousand intelligent men and women, who are the constant readers of his publications. The TRUTH SEEKER—a large 8 page paper—has a circulation of about ten thousand per week. His heart is so much in his work that from morn-

ing till late at night, unless interrupted by Comstock arrests, he may be found industriously plying the pen or otherwise preparing works for the press. Clearly, if he be a mistaken man, argument rather than abuse, truth rather than lies conveyed in decoy letters from professedly Christian sources, must be relied upon to turn him from his present convictions and labors. All who personally know the veteran liberal editor are impressed with his robust intellect, his childlike simplicity and his perfect honesty of thought and purpose. He might be persecuted into a conspicuous martyr, but no amount of persecution and imprisonment would ever stamp on his honest brow the brand of a criminal.

A CASE IN THE FIELD OF SOCIOLOGY.

In 1878 EZRA H. HEYWOOD, of Princeton, Mass., editor of THE WORD and publisher of various works upon social questions, was actually sentenced to two years imprisonment in Dedham Jail by Judge Clark, of the U. S. Circuit Court. Mr. Heywood was arrested by Comstock *without the shadow of a warrant*, in a state which has been conspicuous for its championship of the rights of men, and was convicted, under the peculiar rulings of the judge, notwithstanding the opinion of Hon. GEO. F. HOAR, U. S. Senator, who wrote to Mr. Heywood before the trial that "The line of distinction between honest argument intended to convince the people that their opinions, laws, or social and domestic arrangements are wrong, however mistaken or even injurious in their results such arguments may be, and writings designed to inflame evil passions and minister to gross and depraved tastes, is a line which I think our Massachusetts jurors would be pretty sure to see and to keep." Here was a man who upon his trial was proved to sustain in the place where he lived an irre-

proachable character, sent to jail to keep the company of actual criminals, for the offense of having written, printed and mailed his sincere opinions upon the institution of marriage, which but a few years ago was freely discussed in the columns of our daily papers by the late Mr. Greeley and Mr. James. However offensive Mr. Heywood's views may be to our most conservative people, they have been broached by the leading thinkers of all times since the world has had a written history, and the condemned pamphlet, as shown by Mr. Parker Pillsbury in a printed letter entitled "The Bible and Cupid's Yokes Contrasted," is far less open to the charge of obscenity than the "good book" which ornaments the centre-tables and lies within the reach of children as well as adults in all Christian families. Therefore it is useless for the vice society to say that it was obscenity rather than Mr. Heywood's opinions which sent this personally excellent man to prison. Mr. Heywood in his youth stood shoulder to shoulder with Theodore Parker, Elizur Wright, Mr. Garrison and Mr. Phillips in championing the cause of anti-slavery. His whole life has been devoted to duty as he understands it, and his photograph placed by the side of that of his accuser quickly shows which is the MAN and which is morally the criminal!

Since the foregoing was put in type Mr. Heywood has been pardoned by President Hayes. The petitions of 6000 people, the special petition of some of Boston's best citizens and the efforts of our Defense Association which sent the eloquent and persuasive Mrs. Laura Kendrick to Washington to plead the cause of the prisoner have prevailed, and with the aid of the good sense and power of the President of the United States, a great wrong has been righted, after Mr. Heywood had suffered six month's confinement in Dedham jail. A large and enthusiastic re-

ception was accorded him on his release at Paine Hall in Boston.

ANOTHER CASE OR TWO.

Now we will let these three cases representing the hardships of persons laboring in three different fields of thought suffice, although many more might be added, and turn to a few others of a peculiar character.

DR. SARA B. CHASE, a lady of education and refinement, was rudely taken from her office and residence by Comstock for having sold a syringe! Her house was ransacked and her good name was besmeared with misrepresentations which her accuser managed to get into the columns of the daily press. The Grand Jury refused to indict; Comstock waited another month, and when a new jury was empanelled tried again; failing in this, he awaited another charge and finally succeeded in getting two indictments against the persecuted lady. The Prosecuting Attorney in his indignation laid the facts before Judge Southerland, and a motion for a *nolle prosequi* was granted. The *Times*, *Tribune* and other papers criticised Comstock's course in terms anything but complimentary.

Even in cases of actual obscenity it has been shown in many instances that the Agent of the Vice Society has induced his victims to commit a crime of which they otherwise would have been innocent; and prominent among these may be mentioned Mr. Chas. T. Blandin, who, while pursuing a perfectly legitimate calling, was actually, by lies and friendly words, induced by Britton, Comstock's lieutenant, to procure a photograph of some nude subject.—Blandin was pardoned by the Governor as soon as the real facts were revealed to him.

A DISGUSTING AFFAIR.

Comstock's strange conduct in the house of prostitution in Greene-street should not be overlooked in this connection. When it was first rumored about that the well known and supposed honest representative of the New York Society for the Suppression of Vice had lent his assistance to a foul plot, instigated by a notorious criminal, for the purpose of casting discredit on a worthy public official, which plot involved the necessity of a fruitless raid upon a house of ill-repute, every decent minded person doubted the story, and declared it to be the fabrication of the enemies of the devout and dilligent agent. When, however, the facts were brought out in full in court, where the said agent appeared as witness for the prosecution, his apologists were obliged to confess that they had not appreciated the real character of the man, and were astonished to learn the depths of depravity to which he could delve with a zeal and interest which would not have been manifested by one simply bent on the performance of duty; for by the mouth of two eye-witnesses it was proved that self-appointed detectives remained one hour and twenty minutes in the presence of three women disporting in a state of nudity, when one minute should have been all sufficient for carrying out an honest purpose. Even the fifteen minutes acknowledged by Mr. Comstock himself shows a sad perversion of taste, or an innate depravity not becoming a member of a Christian Church, or the eminently respectable men who are credited with being his advisers. Their agent has in the public press stated that none of his movements are made without previous consultation with the executive committee of his society and the obtaining of their assent. We prefer to assume that the agent made an exception in this case, rather than to be-

lieve that the honorable gentlemen of the executive committee were his accomplices in the nefarious proceeding related below. The plain facts are that Mr. Comstock with others paid \$14.50 for the privilege of gazing for *ever an hour* upon the nude forms of three misguided and unfortunate women, in a disreputable house, and finally caused their arrest and prosecution.

The following quotation from an account of the court proceedings, written by Prof. A. L. Rawson, an esteemed author of Biblical literature, may be depended upon as accurate—though we have taken the liberty to abridge it slightly for the pages of this little work.

PROF. RAWSON'S REPORT OF THE GREENE STREET AFFAIR.

THOSE persons who read my account of Anthony Comstock's arrest of three girls in Greene street, this city, in my speech at the Heywood Indignation Meeting in Faneuil Hall, Boston, may have reflected that some corroboration was needed for such damaging statements. Such further proof has been derived from Mr. Comstock himself and the witnesses whom he summoned to assist in convicting the girls of unlawful conduct, which acts were the direct result of his request and the bribe in money paid by him.

I was mistaken in one point, in that I said he deceived the court in obtaining a warrant before the acts were committed. The fact is, he made the arrests without a warrant, as he himself testified.

The case was tried before Judge H. A. Gildersleeve and a jury, in the General Sessions, Part 2, Tuesday and Wednesday mornings, Sept. 24th and 25th, 1878.

In opening the case Assistant District Attorney Herring said, among other things, that the Agent of the Society for the Suppression of Vice has deemed it his duty

on several occasions to pass to other matters than that of preventing the spread of obscene literature, and that this case was one under that new head. He also said it was his duty to call attention to the fact that it is claimed that the crime charged was instigated by Mr. Comstock, and that for *vindictive* purposes, and he desired the jury to weigh the evidence carefully, and if they found that the prisoners originated the criminal acts, to bring in their verdict accordingly. But if they found that they were unduly and improperly persuaded by offers of reward in money, and, being so urged, consented to do the acts requested of them, the jury is to determine who are the guilty parties.

Anthony Comstock was the first witness called. After the usual preliminary items, he gave, in substance, the following: He became acquainted with the house and its character about an hour before entering it, on the evening of June 14th last, and went in with three officers and two friends. Mrs. DeForrest was not in the house at the time, (9 o'clock), and he was shown into the back parlor. He inquired about the performance that he expected to see, having made arrangements for something of the kind previously, and the money was paid by Mr. Comstock to the women. (The officer who was with Mr. Comstock at the time thinks \$20 was the sum paid; Comstock said \$14.50.) Mr. Comstock then detailed the incidents of the exhibition in such rude and plain language that the Judge ordered the officer to clear the court of all ladies who were not witnesses in the case. The language and style of Mr. Comstock, as given in this particular case, does him large credit for having become very familiar with forbidden things.— However, he said, by way of saving appearances, that he could barely remain in the room, as witness of the offensive exhibition, *fifteen or twenty minutes*. Officer Sheldon, who

was in the same room, says *Mr. Comstock was in there one hour and twenty minutes, as near as he can recollect.* Mr. Comstock's memory might possibly have become affected by the peculiarities of the occasion, and hence the apparent contradiction between his and the officer's statement.

Mr. Britton was called, and said he is also employed by the same society that pays Mr. Comstock (\$70.00 a week). He knew of the business on hand for the evening, for he had been busy with Mr. Comstock and Mr. Gurney for a week or two in "working up the case." Mr. Britton was anxious to sustain his chief, Comstock, and said that they were there to see "a regular exhibition." (They both repeated the word "regular" many times, as John Brougham does in the case of the officer in the "regular army," but not with the same happy effect.) *Mr. Britton confirmed the statement of Officer Sheldon as to Comstock's presence for an hour and a quarter or more in the exhibition room!*

Officer Sheldon thought that Comstock ordered the wine for the party. Somebody brought the wine, and the party drank. He says he made the arrest by order of Comstock, and that he was acting under the orders of his superior, who had directed him to obey Mr. Comstock on that occasion.

That was about all the evidence for the prosecution, and the Judge discharged the three girls, holding Mrs. De Forest only on the charge of keeping a disorderly house. The case was adjourned to the next day. Mr. Gurney was subpoenaed, but was not found.

The defense did not call a witness. None were needed. On opening the case Mr. John Mott, counsel for the accused, moved the Court to direct the jury to a quit on the ground that the evidence was insufficient to sustain the charge, and said, beside other things, that there had been no evidence offered that any criminal conduct was ever

witnessed in that house before this instance, and that the law was not designed to protect rogues in their unlawful intercourse with each other. In this case one rogue had "put up a job," and he and the complainant, Comstock, set on foot the very unlawful acts of which he complained.

In reply to the argument for this motion the Assistant District Attorney, Mr. Herring, said that he felt it to be his duty to shield Mr. Comstock from certain apparent facts which seemed to have been devised to bring disgrace and odium on the Captain of the precinct in which this raid had been made. He said that Gurney is a notorious criminal, who has served several terms in state prisons, and that the Captain would not allow him to carry on business in his precinct, and he (Gurney) had sought out this Comstock, and they together had tried this means of bringing disgrace and odium on the Captain's head. It may be that Mr. Comstock was innocently trapped at the first, and this might have been shown if Gurney could have been brought into court. But the man cannot be found.

Then the Judge, in closing the case, said, besides many other things, that, in the absence of the statement just made by the District Attorney, he should have felt bound to submit the case to the jury.

His honor said his court could not be used to fasten a stigma on the name of a worthy man, a captain of the police, for the purpose of carrying out any man's schemes of private vengeance. The Judge criticised the manner in which the prosecution had been conducted. He said that the roundsman of the precinct is not here, the police are not here, no one of the neighborhood is here to tell us of the character of the house, although it would have been very easy to have had any one or all of them here to testify to their knowledge of its reputation.

It is too bad that justice should be cheated in this affair,

for his honor said he had no doubt of the guilt of Mrs. De Forest in keeping a disorderly house, although the evidence is circumstantial. But the vilest have rights, and if guilty are entitled to be tried in a legitimate and fair manner, without being the victims of fraud and deceit, and he would have punished the guilty if he could have done so without reflecting on the character of a worthy man and public officer. He then directed the jury to find a verdict of acquittal, which they did.

For the sake of common humanity we may be glad that this conspiracy failed, and that the captain on one hand and the poor women on the other were protected by the court from the unscrupulous attacks of a hardened criminal who was thirsting for vengeance, and the Agent of the Society for the Suppression of Vice, who, in this case at least, seemed quite ready to lend the dignity of his office for unworthy and almost inhuman purposes.

In view of this righteous termination of the conspiracy, I am still of the opinion that it would be well to amend the title to Anthony's society so that it shall read "The New York Society for the Manufacture and Suppression of Vice."

A. L. RAWSON IN THE *Truth Seeker*.

[*From the Grand Rapids (Mich.) Daily Times.*]

It must be admitted that the story, (referring to the Greene street affair) bears upon its face some evidence of untruth. It seems absurd to suppose that any man representing a Christian cause could descend to such depths of infamy. And yet, when we remember the sort of ham-pin which Anthony Comstock is; when we call to mind some of the equally despicable subterfuges which he has employed in the past, it seems not altogether unreasonable to believe that he could be guilty of the thing charged.

Comments of the Press.

ALTHOUGH the Press has been timid and time-serving in its treatment of Comstock and his ignorant censorship, we have enough material at hand to fill more than one hundred pages with the indignant utterances of newspaper writers who have been appalled at the injustice inflicted under the laws instigated and used by Comstock. We will only spare room for a few extracts, enough to show that the Press is not dead but sleepeth.

[*From the New York Daily World.*]

ANTHONY COMSTOCK ON HANS MAKART.

Mr. Andrew J. Hope keeps a candy store on Fulton street, near Pearl. He is not only a confectioner but a patron of the arts. A few weeks ago he purchased from Mr. Wm. Schaus a finely executed and handsomely framed water-color copy of Hans Makart's painting of "Charles the Fifth's Entry into Antwerp." The original, which is now on exhibition in the Art Gallery of the Paris Exposition, has been much talked of by European critics and connoisseurs. It represents the King's triumphal procession through the streets of the ancient Flemish city, and in the foreground there are several figures of nude women, apparently representing heralds of the royal coming. Mr. Hope's copy was exhibited for several weeks in Mr. Schau's shop window, and when he purchased it Mr. Hope placed

it in his window. There it remained up to last Thursday, when Mr. Anthony Comstock, of the Society for the Suppression of Vice, saw it. Mr. Comstock at once sought Mr. Hope and informed him that the picture was obscene, and that he would not permit it to be exhibited any longer—Mr. Hope persisted, but in vain. Mr. Comstock declared that if the picture was not removed he would seize it and arrest its owner. Mr. Hope says that he did not care to have a conflict with so powerful a society as the one that Mr. Comstock claims to represent. He accordingly promised that the objectionable painting should be exhibited no more, and he caused it to be covered with a placard with the following inscription :

A CARD TO THE PUBLIC.

I purchased of William Schaus, of Broadway, the inclosed picture which he had on exhibition in his window, a water-color copy of Makart's great historical painting of

“Charles the Fifth's Entry into Antwerp,” which is at present all the rage at the Exposition. Being the only copy which would reach this country before Christmas, I took pride in showing it to the public.

A gentleman claiming to be the Society for the Prevention of Cruelty to Morality came into my store and peremptorily ordered it out of the window.

THE WORLD also had an editorial upon the same subject, which we have abridged :

COMSTOCK VS. MAKART.

It is eminently desirable either that the Society for the Suppression of Vice should get another agent in the place of Mr. Anthony Comstock, or that it should cease to clothe its agent with judicial functions and require him to take counsel of some person of sense and discretion before either making or threatening seizure.

It has been repeatedly charged upon this agent of the Society for the Suppression of Vice that he is not in the least scrupulous about the methods he employs to do even the legitimate and necessary work which falls to him, and that he is quite willing to entrap into an offense a person who otherwise might not commit an offense, for the purpose of procuring a conviction and making a show of activity.

THE DAILY GRAPHIC of the 11th expressed the following opinion:

If the public indignation does not now give a pause to Anthony Comstock's trespasses beyond the pale of his authority, the galleries of the city may yet be stripped of their very choicest gems of art.

THE NATION of the 7th, in commenting upon what THE WORLD had to say upon the same subject, used this language:

If this is true, the time has come for some public-spirited person to resist the Society for the Suppression of Vice, and if possible, punish such uncalled-for interference with private rights. Makart's picture is thirty feet long, and the figures in the extreme foreground are much larger than life; those in the middle distance and full light are life size. It stands all across one of the entrances to the Austrian gallery, and an honor is paid to it which no other picture of all the thousands at the Champ-de-Mars this year has received: fixed seats are set before it at what is assumed to be the best distance. Now a small colored print of it is pronounced unfit for a New York shop window!

THE PHILADELPHIA TIMES, in making comments on the same subject, used this language:

Mr. Anthony Comstock has been making an ass of him-

self. We say this advisedly, because there is no reason to suppose that Mr. Comstock was made so by nature. He is a man with a hobby ; but like other men with hobbies, Mr. Comstock does not always use the best of judgment, and lately he has been bringing ridicule on his work by some very absurd and arbitrary proceedings. But in a matter of aesthetics Mr. Anthony Comstock is scarcely qualified to act as censor, and if his patrons and employers, the directors of the Society for the Suppression of Vice, wish their work to succeed, they would do well to suppress their agent a little.

THE SOCIETY FOR THE SUPPRESSION OF VICE.

THE NEW YORK GRAPHIC sees both sides of the shield : "While all good citizens desire a vigorous suppression of impure literature, the Society for the Suppression of Vice would do well to move cautiously in suppressing works which are merely expressions of opinion. Touch upon the right of free publication, and hundreds and thousands of people become interested at once upon the side of the accused. The prosecution and imprisonment of Heywood was, in this sense, seemingly a grave mistake. It has given him and his pamphlets a notoriety and his views a circulation which would otherwise never have been obtained. The trouble is, that when an organization is once formed the superintendents and agents are under a constant spur to call attention to themselves and their work, and after they have successfully attacked really objectionable publications they are very apt to proceed against persons who only hold objectionable opinions. Then, too, the methods by which Comstock gets his evidence are not such as commend themselves to public morality. Tempting people to do wrong and then arresting them is not the kind of business any law-abiding community can counte-

nance. It inevitably leads to abuse. The Society for the Suppression of Vice would do well hereafter to be more discreet in the prosecution of cases which bring up the right of free discussion, for by straining the law they only injure the cause they have at heart."

[*From the N. Y. Methodist, of Feb 12, 1876.*]

VILE PRINTS AND THE POST OFFICE.

"How to suppress obscene literature is a question before the public. The circulation of filthy or demoralizing papers and books is one of the vast evils of the times; and it offends our better feeling to know that the Government of the United States is, through the mails, the agent for the distribution of this foul matter. It is therefore proposed to arm the government with the power of search as a means of suppression, and to relieve the government of its unwilling service in distributing such literature.— The evil is shocking, and the use of the post-office for such devil's work a very painful fact. But the remedy is worse than the disease. The mails ought to be, and are, open to judicial examination; vesting a discretionary power of scrutiny in public officers is quite another matter and of most dangerous tendency.

The liberty of correspondence is fundamental, and has become a part of the freedom of the press. In taking charge of mail matter, the government cannot undertake to be in any sense responsible for what goes through the mails. Seducers, thieves and murderers use the mails to deceive, plot, and ruin. Every day, the government, according to the logic of some people, helps to corrupt women, break into banks, and take human life. For, messages that produce these results are constantly received and delivered by postmasters. Any checks that are con-

sistent with liberty we should earnestly favor, but we should not reason that the smallest responsibility attaches to the government for sins committed by the use of a free post-office.

The power that is asked for is certain to be abused. — We remember when southern postmasters refused to deliver the *TRIBUNE* to subscribers, on the ground that it was "*incendiary matter.*" Nobody needs to be told that, in any political campaign, any political party having control of the post-offices would use its power to hinder the other party, that the sacredness of private letters would be subject to the needs of partisans and the whims of ignorant or rabid postmasters. An inspected mail bag is the sign of the vilest despotism. That thing became so vulgarly shameless in Italy that travelers were unblushingly told the office had not yet read their letters. * *

The evil must be reached in other ways. Liberty has evils of its own, but it is worth a hundred fold more than the best despotism. The people who would like to suppress sin by main force believe that they would suppress only sin. Pius Ninth believed that he suppressed only sin while ruling the most vicious and ignorant population in the Italian Peninsula. Despotism may mean well in its sources; it becomes wicked and corrupt long before it reaches the masses under it. You must meet sin chiefly by moral and religious restraint; a little can be done by a free country through its laws, and that little we shall always favor. But we are not willing to sacrifice, or even to put in peril, a free correspondence and a free press for any purpose whatever. Parents, teachers and ministers must correct the tastes, correct the ignorance, and promote the parity of lads and lasses. They cannot invent a machine to do their work, or lighten it, or make it easy. It is a mighty task, a war in which there are no truces, a laboring day

that never ends, a burden to be borne by each one of us while life lasts, to be borne by somebody so long as sin exists in the world.

[*From Hall's Journal of Health, Dec., 1876, pp. 496-7.*]

FAMOUS THROUGH PERSECUTION.

"DR. E. B. FOOTE, a very entertaining and popular writer, and a scientific gentleman, withal, has received one hundred thousand dollars of advertising through the efforts of a Mr. Comstock, who complained that the Doctor was employing the U. S. mail's for the conveyance of immodest literature, against which offence a clumsy sort of a law exists. So the Doctor got fined, and subsequently published a voluminous account of his trial for the technical offence. The absurdity of the enactment was made clear, so far as it has been construed as having any reference to medical works, and a few more cases of this sort would be quite likely to breed a good sized rebellion among medical writers and publishers. * * *

"The Doctors Foote—father and son—publish a very able magazine for general reading, called DR. FOOTE'S HEALTH MONTHLY, and in this work the whole prosecution and persecution business has been reported, together with hosts of letters from the public at large expressive of sympathy, and contributing money for the payment of the fine. This money is accepted and credited up to the sender on account of subscriptions, at one dollar a year, to THE HEALTH MONTHLY.

"As for the character of Dr. Foote's books, we can only say, that while they tell a good deal of naked truth in plain language, he must be a prurient prude indeed who is able to detect anything immodest in the expressions made use of. Abuses and errors are pointed out in vigorous lan-

guage, but there is no indelicacy of utterance, and the mind which could thus construe it must be polluted indeed.—As medical writers, we protest against the law not less than against this last construction of it, and shall see to it that it be so modified by Congress as to exclude medical men from its operation, since they necessarily have to handle topics which the world has been taught to consider “delicate.” Corruptors of the morals of the young, who infect our cities and work secret pollution through obscene literature and pictures among the inexperienced, should be swept from the earth as vicegerents of mankind; but we cannot long permit such misguided censorship of the press or mails as is calculated to lessen scientific discussion, or keep the world in ignorance of vital truth.”

[*From the Positive Thinker.*]

THE OPINION OF A LIBERAL ORGAN.

We have, from the first, deprecated the prominence given to this miserable obscenity question, believing that the evil has been exaggerated, and that its suppression, be it greater or less, might far better have been left to the vigilance of parents and teachers and to the municipal authorities, rather than to retain Congressional statutes on a subject where the boundary between what is obscene, either in language or representation, is so indistinct and indefinable that any attempt to fix it must not only be futile but must necessarily lead to an abridgment of personal liberty and become a tool in the hands of bigoted and bad men in power to stifle opinions distasteful to them, or to crush their enemies. But even were it not so, is it possible to frame any such statute that would not exclude from the mails the best part of the literature of the sixteenth and seventeenth centuries? If Mr. Abbot, of the INDEX who

thinks that a law can be framed that will define where obscenity in language or representation begins and ends, and which cannot be perverted and made an instrument for the abridgment of personal liberty and of the freedom of the press, will take the pains to read the speeches of such distinguished statesmen as Webster, Benton, Calhoun, Clay, Davis and others, when this subject was up for discussion in Congress in 1836, he will, we think, be convinced that it is an impossible task, and what such eminent legal minds confessed could not be done and ought not to be attempted, he should not think of trying.

Just here is the weak point in Mr. Abbot's argument for reform in the matter of the Comstock laws. He does not seem to discriminate between the powers conferred by the Constitution on the States and on Congress and those reserved to the people. By the power delegated to the State, it may, and ought to protect itself and its citizens against evils and crimes, and to do this, it is in its province to determine on matters of morals, but no such power has been conferred on Congress except in the District of Columbia and in the Territories, over which it is authorized to exercise both general and municipal power. Just so far as Congress attempts any such discrimination in matters of opinion or morals it is an usurpation of power which should not be tolerated.

[*From Dr. Foote's Health Monthly.*]

WHAT MIGHT HAVE BEEN.

It is a fact known to all who have given attention to the subject that all the indecent books, pictures and other devices which Mr. Comstock uses before legislative and Congressional committees were captured BEFORE the statutes now known as the Comstock laws were enacted. Now, if after

having absolutely suppressed all of the really indecent things Mr. Comstock had taken hold of some legitimate business or profession which would have occupied a moderate share of his attention, and which would have yielded by the aid of a moderate salary from the Society for the Suppression of Vice a good living income, he might have lived a useful and honorable life, without meeting any serious opposition from any reputable quarter. But if he persists in the course which he is now pursuing either this country will cease to be a republic or Comstockism will be driven to the wall. It is plain that there are but these two alternatives. Either the institutions which were banded by our fathers will have to go down or the American Inquisition will. Whether the contest between these two is to be protracted, entailing much suffering upon those who are outspoken and who will not tamely submit to the existing censorship, or to be short and decisive, is for the public at large to determine. Thanks to the hereditary qualities which have been handed down from the early colonists, who were disposed to submit to all sorts of privations and dangers rather than bear the yoke of tyranny, there is not a small band of resolute men and women who are willing to make their homes in the prison cells and bear temporarily the outrageous and unjust charge of being "obsceneists" rather than yield one jot or tittle of their rights as American citizens. It is often predicted that the agent of the Society for the Suppression of Vice will come to a tragic end. We hope not. That man should never be created into a martyr. His destruction would be his martyrdom. The long and honored catalogue which has come down through the ages should never be stained by such a name. But we devoutly hope that the strong common sense of the most enlightened people on the face of the earth will grapple with the great "WHAT IS IT," which has suddenly intruded

itself in a nation of freemen, and put it down with such force that it never can again raise its impudent and obstreperous head. If all of our readers, and we have thousands of them, would make even small contributions to our NATIONAL DEFENSE ASSOCIATION the unclean bird would soon have his wings so clipped that he could soar no higher than the ground where, and where only, the carrion which it is his function and delight to feast upon, can be found.

HASTY LEGISLATION TO BE CHECKED.

Senator Edmunds has presented resolutions to the effect that neither House of Congress shall send a bill to the other for concurrence on the last three days of the session, and that none shall be sent to the President on the last day without a three-fourths vote in each House. We strongly suspect that these resolutions have been instigated by the ill-advised and hasty legislation which characterized the closing hours of the 42nd Congress, when some two or three hundred bills were rushed through at random, and among them the Comstock statutes. If such resolutions had been adopted previously to that Congress we might have been spared the disgrace of the infamous postal laws and the wrongs which have been perpetrated under them.

THE SPRINGFIELD REPUBLICAN says: "The President has done justly in this release" (speaking of the pardon of Mr. Heywood) "for we must maintain the right of the citizen to freely maintain the views that are even subversive of society; our corner-stone is liberty."

☞ To pronounce the holding of certain ideas illegal and to make martyrs of people holding them is the most infallible method of propagating them ever devised.—
[THE DAILY WORLD.

ADVICE TO COMSTOCK.

OLIVER JOHNSON, the veteran editor, formerly of the *Anti-Slavery Standard*, later of the New York *Independent*, later still of the New York *Weekly Tribune*, after hat of Beecher's CHRISTIAN UNION, and at present the proprietor of one of the ablest journals issued out of New York,—THE ORANGE (N. J.) JOURNAL—in his paper of May 25th, 1878, said :

There are honest differences of opinion among men upon some very important and delicate physiological questions, and it is not for Mr. Comstock to make himself a *déterminaire*, to suppress by violence the right of speech and of printing upon such subjects. He must remember that it is possible for very good people to hold opinions contrary to his own, and contrary even to those generally held in the community, upon physiological subjects; and if he would retain the good will of the community he should learn how to discriminate between the agents and abettors of impurity, and well-meaning people, however mistaken, who are laboring, according to their best light, to promote the public welfare.

The BOSTON SUNDAY HERALD says ANTHONY COMSTOCK is too pure, or too impure, to live in this world of temptations. His last feat, ordering a copy of Hans Makart's great picture of Charles V in Antwerp from a store in New York, because there were some nude figures in it, shows the narrow spirit of the man. What a pleasant state of things would we have if he were able to carry out his ideas! Venus would be put in petticoats, and Narcissus would get fitted to a pair of pantaloons. Even Eve, mother of the race, could not be represented until after the fall. Mr. Comstock ought to be put into a dimly lighted ice-closet.

The Pen, Pulpit and Platform.

UNDER this head we will group, without any attempt at precise order, such pen, pulpit and platform utterances as may not have found appropriate place elsewhere. Many "orthodox" clergymen have spoken their views in private letters, and soon, if "the Agent" keeps on, we hope they will have the courage to come out from their ambuscade and openly attack the arch enemy of American freedom. Many are already impressed with the fact that with a preponderance of sentiment in any community opposed to their cherished convictions, the same statutes might be used for suppressing the Scriptures. They are not unmindful of the possibility of the tables some day being turned, if this precedent be allowed to obtain a fixed foothold in our laws and usages. They cannot afford to be silent. Meanwhile we will quote those of liberal tendencies who have openly expressed themselves. Here again we can but spare room for a few samples. And these will not appear until we present some clearly written arguments and comments upon the unconstitutionality of the so-called Comstock laws. We will open with a "little grape" from a gun thus far unanswered.

MR. T. B. WAKEMAN
ON THE UNCONSTITUTIONALITY
OF THE COMSTOCK LAWS.

No one can read the admirable address of Mr. T. B. WAKEMAN, before the great Indignation Meeting at Faneuil Hall, in Aug., 1878, without being impressed with the entire unconstitutionality of what are called the Comstock Laws, notwithstanding the fact that they have been pronounced constitutional by the Supreme Court. We have room however for only the following brief extract. Those who would like to read the address entire can obtain it for only five cents per copy by addressing the President of the DEFENSE ASSOCIATION, PROF. A. L. RAWSON, No. 34 Bond street, New York. The small profit above cost will go into the treasury of the Association.

It should be remembered that postal questions are far different in this country from what they are in England, where Parliament can do anything except, as it is said, make a man of a woman, or a woman of a man; that is, physical impossibility is the only limit of Parliamentary power. There the power over the post-offices and people is comparatively unrestricted. But our federal government has only the special powers granted in the Eighth Article of the Constitution and such implied powers as "are necessary and proper to carry those special powers into effect."

The simple and single word to "establish" post-offices and post-roads was in no wise intended to grant to Congress the British ulterior power of using them after they were established for objects not committed to Congress at all, but specially reserved to the people of states, by amendments 9 and 10. That no such ulterior power was ever intended is clear from history. One of the great difficulties

n procuring the adoption of the Constitution arose from the fear of these implied powers. Every clause was gone over and over in the Convention that framed the Constitution, and in the Conventions of the several States, to discover how these powers might be wrenched to destroy the liberties of the people. It is very significant that no one ever then supposed that this power "to establish post-offices and post-roads" could be other than such as should be simply devoted to that end. Luther Martin and Patrick Henry, who went over every word to find objections, saw none in this clause, and the authors of the *FEDERALIST* (in No. 42) make their only reference to the subject in these few words: "The power of establishing post-roads must in every view be a *harmless power*, and may, perhaps, by judicious management, become productive of great public conveniency. Nothing which tends to facilitate the intercourse between States can be deemed unworthy of the public care." This plainly means that the postal power must be always, and in every way, harmless since it was only for the public "conveniency" of facilitating intercourse between the States. Little did those patriots dream that a hundred years hence a graft in every point of view so "HARMLESS" would grow by construction of an implied power into a terrible penal statute that has nothing to do with the "conveniency" of the post-office, or of the people, or with facilitating their intercourse, but which seeks to prevent and limit all these for the ulterior object of supervising morality. Had the possibility of this ulterior power been suspected then, the Constitution would never have been ratified. Let any one who doubts it turn over the pages of Elliot's debates on the Constitution (especially the Virginia convention), the *FEDERALIST*, and the second volume of George Ticknor Curtis' "History of the Constitution."

THE HON. ELIZUR WRIGHT FOR REPEAL.

In the BOSTON INDEX of Dec. 27th, 1877, may be found a stirring article from the HON. ELIZUR WRIGHT, of Boston, an honored name which has been intimately associated with the watch-word American liberty for fully a third of a century:

"I think," says this truly great man, "Congress has no occasion, and therefore no right, to legislate on the subject, except for the District of Columbia and the Territories.— Moreover, I think its act touching the circulation of obscene publications through the mails is an outrageous violation of the Constitution, incapable of any modification which could make it either constitutional or safe. I wish to sign a petition for its *total and immediate repeal even at the risk of being classed with the vilest publicans and sinners, if anybody sees fit so to class me.* Let men be punished for obscenity or treason, if they are guilty of either, but not for sending either through the mails. If it has come to that, that these two crimes, or any crimes, cannot be suppressed without invading the sacred privacy of the people's correspondence, we had better abolish the post-office."

We wish we could find room for this entire article, but we can only spare space now for the foregoing and a portion of the concluding paragraph, which is as follows:

"The simple truth is, that the Society for the Suppression of Vice does not care a pin for the suppression of the clandestine and really vile book-trade; but, taking advantage of the great elasticity of the adjective 'obscene,' they first make a raid upon the clandestine trade as a cover to their attack upon the science of human physiology, in the interest of their peculiar religion. Pretending and proudly bragging to have done the work of the police authorities better than they ever did it or could do it themselves.

selves, they now come to their real work, *which is to suppress science and cultivate ignorance and superstition among the people.* The honest and self-sacrificing men and women who are laboring openly, earnestly and intelligently to prevent social corruption and keep men and women out of hell-upon-earth by instructing them in the laws of life and health, are pounded upon as if they were pimps and harlots."

MR. JAMES PARTON FOR REPEAL.

NEWBURYPORT, MASS., Sept. 29, 1878.

MY DEAR FRIEND: I think those Comstock laws, as they are very properly called, ought to be totally repealed, and for these reasons:

1. Because they *are* Comstock laws, and not the deliberate judgment of Congress.
2. Because they are useless. The forbidden articles can still be sent everywhere by express.
3. Because it is not possible to put into human language a definition of the word *obscene* which shall let the Song of Solomon, Rabelais, Juvenal and Tom Jones pass, and keep out works intended and calculated to corrupt.
4. Because the control of the Government over the mails is obviously limited to what you well style "postal reasons." Dynamite may be excluded; sealing wax may be excluded; liquids may be excluded—because they endanger the fulfillment of the contract with all the other senders of mail-matter. But the Government is not called upon to sit in judgment upon the moral character or intellectual quality of the parcels entrusted to it.
5. Because the laws in question are so liable to abuse by a narrow-minded or provincial officer. They enable the prim and prudish village to judge and condemn the metropolis.

6. Because the state laws and municipal laws, previously and now existing, are sufficient for the detection and punishment of all real offenders against decency and good morals.

With regard to the constitutional argument, so ably and powerfully presented by yourself, I can only say, being no lawyer, that it seems to be unanswerable. It came upon my mind with convincing power, and I have never had a doubt since. These laws are wrong every way, and pernicious in many ways. You know how I hate and loathe the books and papers that circulate among boys, which can have no other than a corrupting effect. I could join, heart and hand, in hanging a wretch who, for a little money, would either write, or publish, or sell such works. And yet it seems to me that the *espionage* of mails by an illiterate person is even a worse evil than that. It menaces the very citadel of liberty.

Yes, I go for immediate and unconditional repeal; and this has been my feeling ever since reading your masterly speech delivered in Faneuil Hall last summer.

Very truly yours,

JAMES PARTON.

T. B. WAKEMAN.

REV. O. E. FROTHINGHAM FOR REPEAL.

No. 50 WEST 36TH STREET, }
NEW YORK, NOV. 18, 1878. }

MY DEAR SIR: Your note of the 10th inst. admonishes me of a duty that should have been discharged before—the duty of telling you that your argument on the “Comstock Postal Law” has made me an advocate of REPEAL VS. MODIFICATION. The discussion of this autumn has brought me to the conclusion that this is the simple, logical, sensible and only satisfactory method of dealing with the obnoxious piece of legislation. The liberals of the other

opinion call for repeal of as much of the law as threatens freedom of thought and discussion. The insolent association of Free-thought with obscenity so stirs my indignation that for honor's sake, if for no other reason, I should feel compelled to demand that the whole be swept away. The friends of decency must look for safeguards elsewhere.

Yours cordially, O. B. FROTHINGHAM.
To T. B. WAKEMAN.

PARKER PILLSBURY FOR REPEAL.

"Talk of *amending* such a law as this!" exclaims that veteran champion of liberty, MR. PARKER PILLSBURY.—"Enacted in such a way, and for such purposes, and at such instigation, and committed to the care of a single individual for execution; and of such an individual as he has proved himself; and after such attempted execution as we have already seen, and with such success! Talk of *MENDING* a burlesque!—a mockery like that? Rather tear it from the statute-book it so disgraces, and let it be burned by the common hangman at the front of every court-house in the United States, and let all the people say, Amen!

THE PETITION FOR REPEAL;

WERE THE APPENDED NAMES FORGERIES?

THE NEW YORK EVANGELIST in its issue of Jan. 16, 1879, publishes a letter from Boston, in which occurs the following:

"About a month before Heywood's sentence Congress was petitioned for the repeal of the National laws concerning the transmission of obscene matter through the mails. The petition had nearly 70,000 signatures, and among them was a numerous list of the most prominent and infla-

ential men in New York and elsewhere. Mr. Comstock became aware of this fact and went to those men personally, every one of whom declared that his name was a forgery."

There are hardly words in the English language sufficiently strong to characterize this statement. We prefer Mr. GREELEY's strong Saxon, and denounce it as a downright *lie*! We defy Mr. Comstock to produce his proof.

While the petitions were being circulated a circular was printed by a publisher inviting book-sellers, druggists, etc., to participate in the movement for repeal. To this circular it was alleged that names were appended without the permission of the parties concerned. A controversy sprang up about this matter. But it in no way involved the integrity of the petitions for repeal. The circular moreover was immediately withdrawn.

The Rev. Joseph Cook has given currency to the same falsehood and intimates that quite likely the names of the 6000 petitioners for Heywood's Release were also forged! It is sufficient to say there is not a shadow of truth in these statements or insinuations, and until such proof is brought forward it is not necessary for the friends of the petition to bring proof to this denial. The National Defense Association has in its possession a very handsome photograph of the Boston petition for Mr. Heywood's release, bearing the signatures of many of Boston's best citizens. The characteristic signatures prove their authenticity beyond all doubt. Some of the signers take pains in a note to express their dissent from Mr. Heywood's views, but express in strong terms the reprobation of the outrage of imprisoning Mr. Heywood for opinion's sake.

One word more about the 70,000 petitioners for repeal: their names were not gathered up in the streets of the metropolis, but were mostly gathered in from the country.

little villages through out the United States, and among them were the names of clergymen of all denominations, teacher, lawyers, doctor, merchants, artisans, farmers and clear-brained and honest-hearted people in all the various walks of life. The petition doubtless remains in the Halls of Congress to-day, and we challenge any one to examine its hundreds of yards of names and then come to the conclusion that they are forgeries. How strange it is that in this contest between independent men and women and the so-called "high-toned respectability," the first work to be performed is to cut away a underbrush of downright lies planted and watered by these very "high-toned respectable!"

THE VOICE OF JEFFERSON.

Though long since deceased the great writer of the Declaration of Independence, THOMAS JEFFERSON, still speaks. In a recent case before the Supreme Court the Chief Justice said that the word "religion" not being defined in the Constitution, we must go elsewhere to ascertain its meaning; and he said nowhere could we more appropriately look than to the history of the times in the midst of which the Constitution was adopted. He then proceeded to say that in the preamble of an act introduced in the Virginia House of Delegates by Jefferson, in 1785, religious freedom was defined, and after reciting "that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the profession or propagation of principles on the supposition of their ill-tendency is a dangerous fallacy, which at once destroys all religious liberty," it declared "that it is time enough for the rightful purposes of civil government for its officers to interfere when principles break out into overt acts against

"peace and good order." "In these two sentences," adds "the Chief Justice, "is found the true distinction between "what properly belongs to the Church and what to the "State."

This must be accepted as the latest decision of the Supreme Court of the United States, and in the face of it what wrongs are being perpetrated against orderly citizens by the Vice Societies and their agents.

THE REV. HENRY WARD BEECHER.

All old-time reformers who have been in the habit of looking up and finding HENRY WARD BEECHER in the foreground as one of their leading standard-bearers have of late years been disappointed at not always finding him in his accustomed place. But now and then we look up in our weary march and find him there. In his sermon of Sunday, Dec. 15, 1878, he is reported as follows:

The preacher pleads for more leniency towards those who have once transgressed the law, divine or human. As it is now, he said, a man might as well run on the spear points of hell as to go against the sentiment of the civilized community or of Christian churches of to-day. If one attempted to display towards criminals the feeling which Christ had for those who persecuted him, men did not understand it. They said, "O, that won't do; that's too thin." They call it sentimentalism and "gush."

This is especially appropriate when outrageous laws are enacted merely to give a worthless individual something to do, and when his doing is the undoing of our most zealous, if not always the most discreet, workers in the field of reform. There are laws, notably the fugitive slave law, which may better be broken than observed. The Comstock law is another!

WILL PUBLIC
OPINION PROTECT PUBLIC MORALS?

[We copy the following letter and extract from the *Boston Traveller* of July 15, 1878.]

CONCORD, NEW HAMPSHIRE, July, 1878.

EDITOR OF THE TRAVELLER : SIR : Enclosed is an extract of a letter from Hon. Edward Livingston to M. Duponceau, on the question of penal enactments for what are termed offences against public morals. It is found in Charles Haven Hunt's Life of Edward Livingston, Appleton's edition, page 289, and will be read with interest at present, when so many citizens, women as well as men, are, or lately have been, suffering severe penalties for what have been construed as offences against public decency and morality. Probably the name of Edward Livingston, as author of a "Code of Criminal Law and Procedure," is second to no American name.

Hoping you will be able to make room for the extract, I am truly yours,

PARKER PILLSBURY.

HON. EDWARD LIVINGSTON TO
M. DUPONCEAU.

.... I am in a difficulty, and as it is one arising out of a question of jurisprudence, I know no one to whom I can apply for assistance, with so sure a hope of relief, as from you.

In the revision of my criminal code, I have now under consideration the chapter of offences against public morals. This is intended to comprehend all that class which the English jurists have vaguely designated as offences *contra bonos mores*, finding it much easier in this, as they do in many other cases, to give a Latin phrase, which may mean anything, rather than a definition.

I have serious thoughts of omitting it altogether, and leaving the whole class of indecencies to the correction of public opinion. I have been led to this inclination of mind (for as yet I have formed no decision) from the examination of the particular acts which in practice have been brought under the purview of this branch of criminal jurisprudence.

In the absence of anything like principle or definition, I was obliged to have recourse to not only precedent, but to the books of precedents; and they strongly reminded me of some forms which I have seen in Catholic church books, of questions which are to be put to the penitent by the professor, in which every abomination that could enter into the imagination of a monk is detailed, in order to keep the mind of a girl of fifteen free from pollution!

Turn to any indictment of this kind in the books, for the publication of obscene books or prints, or for indecency of behavior, and you will find the innuendoes and exposition of the offence infinitely more indecorous, more open violation of decency, than any of the works they are intended to punish and repress.

The evidence must be of the same nature, and hundreds will hear the trial who never would have seen the book or print. This evil is inevitable, if such acts are punished by law.

There is another evil of no less magnitude, arising from the difficulty of defining the offence.

Use the general expression of the English law, and a fanatic judge, with a like minded jury, will bring every harmless levity under the lash of the law.

Sculpture and painting will be banished for the immudities; poetry for the warmth of its descriptions; and music, if it excite any forbidden passion, will scarcely escape.

On the whole, I am surrounded by difficulties. Help

me to a definition that shall include what ought to be punished, and not give room for the abuse I have pointed out.

Let me know how I shall decently accuse and try a man for indecency ; or else fortify me in my opinion of letting public opinion protect public morals.

THE GOOD SOLDIER.

THE REV. O. B. FROTHINGHAM in his discourse at the Masonic Temple, Dec. 15, '78, spoke of the good soldier in a way which proves that he himself is entitled to the designation. The following report of the sermon we find in the HERALD. If our space would permit we should be pleased to publish the sermon in full. But the following is sufficient to show the drift of it:

It was not too late, he contended, to speak of persecutions for opinion's sake when it is remembered that in Massachusetts, the cradle of American liberty, a man (EZRA H. Heywood) may be convicted and imprisoned for holding his opinion and that in New York another (D. M. Bennett) can be indicted on this account. Mr. Frothingham argued that so far as final results were concerned it made no difference whether a man's opinions were true or the reverse. If the opinion questioned be a true one all assaults upon it will be absolutely vain, and the attack will recoil upon him who made it ; and if, on the other hand, the opinion be not founded in truth no amount of advocacy, come from whence it may, can suffice to prop it up. The champion of erroneous ideas is ruined by the click of his own gun.

The Roman Emperor, Marcus Aurelius Antoninus—the head of the civilized world in his day—was a man whose elegant writings are among the Greek classics ; a man of the kindest heart and sweetest sympathies, but also one of indomitable will. Educated a Stoic, he was a woman in nature, and had in essence anticipated some of the best

precepts of Christianity, yet he was an opponent of the faith of Christ. He had no respect for its superstitions, and he lifted the mighty hand of a Roman emperor against it, whereby he has earned for himself the stigma of persecutor. Yet he was as fully justified in his course as those are justified who to-day persecute atheism, materialism and the like. Ah! what a different sort of Christianity we might have had if Marcus Aurelius had adopted the Christian religion and infused into it the nobleness, tenderness, goodness of his own nature. Here Mr. Frothingham endeavored to show that as no man knows he is wholly right in abstract ideas, so no one can be justified for persecuting his brother on account of a mere difference of opinion.— He asked if atheism, materialism, Nihilism were false, and if the answer was in the affirmative, how could the asserter of their falseness prove he was right? * * * * *

Mr. Frothingham adverted to a Congressional enactment passed at the instance of a certain society for the suppression of crime, and he claimed that this enactment was wholly inoperative and useless, excepting for the purposes of persecution by some few fanatics and monomaniacs.

LIBERTY AND MORALITY.

THE REV. MONCURE D. CONWAY delivered not long ago in South Place Chapel, Finsbury, England, a discourse on "Liberty and Morality" which happens at this time to apply as forcibly to some things going on in this country as to what was then transpiring in England. In this discourse Mr. CONWAY is taking the British Society for the Suppression of Vice to task for depriving MRS. BESANT of her child and for imprisoning MR. TRUELOVE. In the course of his remarks he says "that the original aim of the society may have been really to suppress vice, but there is

reason to fear a baser influence has been at work to degrade the association ; the members are attitudinizing as purifiers of society ; they must " keep up a show of activity ;" and more than all this, " there is money in it."—All of which unquestionably applies to our society here as well as to that by the same name on the other side of the Atlantic. We have not room for the whole discourse, but the following are interesting paragraphs culled here and there and arranged without any particular reference to the order in which they were presented in the discourse :

This recent oppression has, if you allow me the expression, sneaked back ; it has subtly complicated itself with the moral feeling of the community ; it has hid its horns under a white cowl of purity ; it has masked itself as a defender of virtue and suppressor of vice. By so doing oppression of thought confesses that it cannot otherwise succeed even in seizing here and there an exceptional victim

The resuscitation of irresponsible power anywhere is accompanied by a corresponding revival of old oppressions generally. Vernacular Press Laws in India, Turkish alliances and attacks on free printing at home, have all one neck. If anyone had told me ten years ago that I should some day have to defend freedom of thought and of the press in this metropolis of civil liberty, I should have been as much surprised as if he had predicted that we should all be hunting wolves out of Epping Forest. I should have said to him : " Why, John Milton settled all that over two hundred years ago. Do you mean to say that the time can come again when a man can personally suffer for his honest thought and its honest publication !"

He would have been rash indeed had he predicted that we should live to assemble in our free societies, hard by a prison in which an innocent Freethinker languishes, and be-

side a court which robs a mother of her child because of her metaphysics.

Freedom of thought were an empty name if it did not carry with it the freedom that brings thought to bear upon the social laws and customs founded on past and fettered thought. "Unproductive thought is no thought at all."—The intellect is man's instrument for conforming society and the world to reason and right; and to restrain its free play among the moral and social superstitions of mankind were like folding a living seed in wrappings of a mummy.

The judges of Athens put Socrates to death on the ground that his opinions tended to corrupt the youth of that city. The high Court of Jerusalem sentenced Jesus to death on similar grounds. Practical Pilate asked — "What evil hath he done?"—but he got no answer. Jesus had done no evil; he had only advanced opinions which the majority considered subversive of the moral foundations of society. And, in short, there is no persecution, no oppression of conscience, no massacre in history which may not be justified on the principle that you may punish a man for the evils which may be imaginatively and prospectively attributed to the influence of his opinions. Nay, all contemporary discussion of vital problems, and new ideas, are thus placed at the mercy of nervous apprehensions.

Every idea must have its influence on morals; whether that influence will be good or evil, cannot be determined by any foresight, least of all by the prejudices of those who do not hold that idea, who hate it, and have not impartially studied its bearings. Many of the best books in the world have been pronounced immoral and wicked in their time, and after it; and if the average common place of any period, as represented by judges that know only precedents, and jurors instructed by them, be allowed to suppress all thoughts and works that do not merely repeat the prevail-

ing notions, all inquiry is at an end, all progress paralyzed.

Goethe, being once in Kiel, was invited to attend a meeting called by some clergymen, for the suppression of obscene literature. He attended, and proposed that they should begin with the Bible. That ended the conference, and it was never heard of again. And that will end all these attempts to suppress books called immoral by prurient imaginations, just so soon as the same measure is meted out to Freethinkers and Bible Societies. Edward Truelove is in gaol, but justice sees Solomon by his side and those who circulate Solomon; and St. Paul also, and Shakespeare, Boccaccio, Montaigne, Dean Swift, Smollett, Goethe, and many other great men, who were not afraid to write of the facts of nature; nay, many naturalists and physiologists of our time and country would be there with him to day if equal justice were done. There is no difference between the plain speech in many classic works and in those which have been lately condemned as immoral, and no difference is alleged between the motives with which they are all published. The book may be very able in one case, very poor in another, but the principle of freedom and right protect them equally.

Confutation by Truth is the *only* suppression of error.—Persecution only fans it into strength by mingling with its smoke the glow of martyrdom. In the present case, several poor pamphlets have been drawn out of their obscurity and scattered broadcast through the land; and any man of common-sense must have known that such would have been the result of attempting their suppression.—What, then, are we to infer concerning those who have instituted these recent proceedings? Are we to suppose they have not the common-sense to know that they would increase enormously the circulation of the opinions they profess to abhor?

Lucifer began, mythologically, as a heavenly detective. He was the lawyer retained by the gods for the suppression of vice and, from long engaging in that business, he came to love it. When he had nobody to accuse he was in distress, and went about accusing innocent people. So he was called the Accuser. And then he fell lower still, and went about tempting people to sin, in order that he might prosecute them ; and then he was called Satan. That was the course of the first Vice Society, and the end of its attorney.

They who menace man's freedom of thought and speech are tampering with something more powerful than gunpowder. They who suppress by force even an erroneous book honestly meant for human welfare, are justifying all the crimes ever committed against human intelligence ; they are laying again the trains that have always ended in revolution : and, right as it is to suppress books notoriously meant for corruption, and punish the vile who through them seek selfish ends at cost of the public good, even that is a task requiring the utmost care and wisdom. Better that many base men and many bad books escape than that one honest woman be robbed of her child by violence calling itself law, or one honest man suffer the felon's chain from the very hand provided for the protection of honesty.

THE VERY WIDEST DISTINCTION,

Says a writer in the *Boston Daily Globe* of Jan. 16, 1878, is to be made between writings intended to debauch the mind and incite to vice and those intended to produce the opposite result by the dissemination of knowledge and of sound ideas regarding the sexual nature. Classing the two together is a monstrous misjudgment. The suppression of any sober, candid discussion of questions that con-

cern the well-being of society is not only mistaken as a matter of policy, but it abridges the freedom of speech and of the press which is guaranteed by the Constitution of the country.

AN OBSCENITY GAGUE.

If we must have a censorship regulated by United States law, then let us have a standard—a metrical measure, a conductor's punch, a steam gauge, or something that will indicate to a liberal editor how much obscenity to the square inch his literary boiler will bear. The Comstock craze is more absolute than the one who troubled Falstaff. We must speak by the card and write in view of an obscenometer. Wanted an inventor to construct one immediately. Measurements and specifications may be taken from Shakespeare, Byron, Burns, Tristram Shandy, Montaigne's essays, Hudibras, Bishop Percy's collection of ancient ballads, and last—but not least—from the Bible. These works stand on our library shelves, accessible without restriction to young and old of both sexes, and they can be ordered of any publisher and sent to the address of any purchaser through the mails. The Liberal writers of to-day will readily submit to the average register of the amount of obscenity in these works, and be perfectly certain of never approaching the limit. Even Mr. Heywood has never exceeded it. What the liberals claim is equal laws and fair play for all sides. This is all we ask; and I hope the thinking people of the country will examine this question thoroughly, and see if they cannot plant their feet firmly upon the ground of impartial freedom of the United States mails. There is a hard struggle impending over the question; we are only at the beginning of it; and all hands had better be prepared to throw the weight of their opinion and

influence upon the right side of it.—[T. C. LELAND in the TRUTH SEEKER.

REV. SIDNEY SMITH ON
SOCIETIES FOR THE SUPPRESSION OF VICE.
WORDS FOR THE HOUR!

Three-quarters of a century ago Rev. Sidney Smith, who knew something of human nature, thus graphically depicted the dangers to which such societies were liable:—
"It is hardly possible that a society for the suppression of vice can ever be kept within the bounds of good sense and moderation. If there are many members who have really become so from a feeling of duty, there will necessarily be some who enter the society to hide a bad character, and others whose object is to recommend themselves to their betters by a sedulous and bustling inquisition into the immoralities of the public. The loudest and noisiest supporters will always carry it against the more prudent part of the community; the most violent will be considered the most moral; and those who see the absurdity will, from the fear of being thought to encourage vice, be reluctant to oppose it. . . . Beginning with the best intentions in the world, such societies must in all probabilities degenerate into a receptacle for every species of titillation, impertinence and malice. Men who trade in rat-catching love to catch rats; the fugitive troyer seizes on his bag with delight, and the suppressor is gratified by finding his vice. This last soon becomes a mere tradesman like the others; none of them moralize, or lament that their respective evils should exist in the world. The public feeling is swallowed up in the pursuit of a daily occupation and in the display of a technical skill."

FROM A WRITER
IN THE NEW YORK DAILY TRIBUNE.
WORDS WELL SPOKEN!

Some one signing himself J., attended one of the annual meetings of the "N. Y. Society for the Suppression of Vice," as assumed by the society, or for the "Manufacture of Vice," as PROF. RAWSON has charged, and he (J.) gives his views as follows: "The good result they seek to obtain is more apparent than real, and never can be permanently successful unless the young mind can be made to realize its own moral accountability and the penalty it will have to undergo as a necessary consequence of wrong doing." He further says that—"there is little gain to be expected in eliminating one particular form of vice when so many others or other forms of the same temptation await them at every turn of life's broad pathway. If," he says, "the principle of rectitude can be early instilled into our young women—a high-minded, honest purpose, and an INTELLIGENT KNOWLEDGE OF PHYSIOLOGICAL AND MORAL EVIL, with their attending penalties—they will be measurably safe, and not otherwise."

This is substantially the ground taken by THE METHODIST in its article upon the postal law which forbids the circulation of obscene books or pictures. Whatever may be necessary in the way of clearing out unclean literature, one fact is certain:—that nothing is so well calculated to eradicate the evil as to bring children up with a thorough knowledge of themselves. To this end popular physiological works are indispensable. It is therefore an evidence of fatal indiscrimination when the agent of the Society prosecutes those who are forwarding, with earnestness and purity of purpose, this branch of reform.

A CENSOR WANTED.

In a brief presented to the Judiciary Committee of Congress, DR. E. B. FOOT, JR., took ground in favor of a Censor, if the law is to be unrepealed or unmodified. DR. FOOT, JR., said: "In one respect our condition here in America is even worse than in the most despotic countries of Europe. In them there is a censorship of the press.— If the present postal laws must remain as they are, then we earnestly implore that a censorship be established—a board of examiners to whom publishers may submit all works of a scientific nature before issuing them, and thus avoid the annoyance, worry, expense and opprobrium of an arrest under the obscene literature law, and the necessity of submitting the final decision to a jury of doubtful ability. It might be made a duty of certain high post-office officials to decide upon such matters—which they often refuse to do at present, and whose decision now has no legal weight, for it has even been ruled out as evidence by Judge Clarke, of Boston."

ANOTHER WRITER SUGGESTS A CENSOR.

As distasteful as the idea of having a censor is to the American mind, many intelligent people think such an official would be far preferable to the present spy and decoy system which seeks rather to entrap than to warn. A writer in *THE TRUTH SEEKER*, signing himself ARTIST, writes:

"Better, a thousand times, if all these impalpable questions of propriety of utterance are to become, in this freest age and freest country of the world, matters for some sort of criminal tribunal; better a thousand times establish a modified censorship of the press to accompany and soften the horrors of the new Inquisition. We ought, at least, to

have the protection of knowing beforehand whether what we have written and desire to publish will be tolerated, or whether it will incur the penalties of the law, and consign us to a dungeon. We ought, at least, to have the benefit of a SERIES OF WARNINGS, such as the most despotic governments give to the publishers of obnoxious political matters. We should have, indeed, *some sort of special tribunal for the trial of such questions*—if they must be tried, instead of intrusting them, as all civilized countries have hitherto done, to the good sense of the community—a tribunal most carefully constituted of the highest experts in literature, science, art, morals and reform. The very worst contrivance for the trial of such issues, will be the trial BY JURY. To submit the highest inspirations of genius, and the most daring investigations of science, and the boldest speculations and tentatives of social reform to the blundering average opinion, the real vulgarity, of common ignorance and prejudice, would be the one thing needed to extinguish genius, to trammel scientific investigation, and clog the wheels of progress of the world.

“Several great questions are now agitating the minds of men; for example, whether moral results are best attained by legal repressions or by merely moral agencies—as in the temperance movement; whether devices of science and art for limiting the number of progeny are moral and expedient or immoral and inexpedient; whether more familiarity with the processes of nature, in respect to generation especially, debauches the young mind or purifies it, etc.—Of all these, and such questions, there is a progressive and a retrogressive side. Upon all these questions the Comstockian legislation has taken a snap-judgment in behalf of the conservative and repressive side. Of course, that cannot be the end of it. Of course, a reaction will take place, on the side of progression, and the enlargement of liberty.

The long lines of battles which were fought in past ages on the field of religious, and that of political freedom are now to be renewed on the social and artistic fields. The new crusade for liberty will have its martyrs, and it is to be expected that some of those who should be its staunchest defenders will show a genius for getting themselves planted on the wrong side, as it seems to me was unfortunately to be the case with our friends of the INDEX.

" This great subject is not yet even plainly opened to the public. Artists, men of science, and reformers, are, as yet, scarcely aware of the existence much less of the reach, of the new legislation. It constitutes a real and formidable danger for every one of them, or for some among them.— There has been always, for example, a sharp conflict, literary and moralistic, over the question of THE NUDE in art. All bold art-instincts have been in favor of it. Real art is impossible without it. Puritanism is opposed to it. Forty years ago when Powers' Greek Slave, and other similar works, were first exhibited in this country, puritanism took the alarm, and made a staunch fight over the subject; and was, definitively, as it was supposed, defeated. The art-instinct triumphed. Since that time not a murmur has been heard of objection to the usage of high art. At the Centennial Exposition, at Philadelphia, nude nature was exhibited nearly as freely as it would have been in any capital in Europe, and not even an objecting comment was made in any quarter. But at that very time, Mr. Comstock had surreptitiously, that is to say, quietly and unobservedly, obtained at Washington, the passage of laws, nominally relating to obscenity, under which many of the artists and importers of works of art at the great national exposition could have been consigned to prison, for beyond question a vulgar-minded jury could have been readily found whose

verdict would have declared many of the pictures and mu h of the statuary there to have been INDECENT!"

TOO MUCH MEDDLING.

The POPULAR SCIENCE MONTHLY for August, in an article on "Criminal Justice in 1876," remarks that "a very powerful cause of the inefficient execution of justice in society is, that government perpetually forgets its supreme functions, in the pursuit of other ends. It attempts to do so many things that it does nothing well, and sacrifices the very object for which it was instituted in the attempt to accomplish others which it had no business to undertake. Instead of confining itself vigorously to the establishment of justice in all relations of society," remarks this writer, "and then allowing the widest liberty of individual action and enterprise, it meddles with everything and everybody—interfering, checking and restraining where it should let things alone; and undertaking to play the part of Providence in controlling the whole course of human interests. Justice is thus not only neglected, but injustice is wrought in all directions; so that government at last becomes the instrument and partner of the great agencies of oppression and wrong-doing in society."

THE VOICE OF PRESIDENT HAYES.

We wonder if PRESIDENT HAYES did not have the suppressive postal laws in mind when in his annual message for 1878 he said: "The protection of liberty requires the maintenance in full vigor of the manly methods of free speech, free press and free suffrage."

Whether he did or not, the true principle is enunciated in no mistakable terms which have especial value at this time.

OVER-LEGISLATION.

Mr. ISAAC H. BROMLEY, in a lecture in the month of May, 1876, before the Kent Club, of the Yale Law School, on "Over-legislation," made some note-worthy remarks. He thought we ought to have a LAW REPEALING Assembly alternating with the Legislature, whose function should be confined to repealing laws!

"The general truth," says Bromley, "traceable through all history, the final outcome of all the efforts of mankind to accomplish social progress or establish morality and virtue by legal enactments, is that whenever men have undertaken to lay upon society the duties, privileges and responsibilities belonging to the individual, then and there they have done work for someone's undoing by-and-by.—It is as plain in the work of your last year's Legislature, or your last Congress, as it was eighteen centuries ago, when the Founder of a New Dispensation swept away the accumulated rubbish and litter of forms and ceremonies, traditions and laws, that had grown out of ages of effort to legislate righteousness, and establish in their place the law of individual responsibility. * * * * The worst tyranny is always that whose mainspring is in conscientious conviction; it is rarely entirely brutal, or even selfish. *They who piled the fagots, or builded the scaffolds where martyrs have made suffering and death glorious, were just as conscientious and sincere in what they deemed their duty as they who stood in the flames or under the beam.*"

CONCLUDING WORDS.

With MR. BROMLEY's significant and, for the present purpose, peculiarly appropriate remarks we rest our case.—While an intelligent censorship of the press, as suggested by two writers, is far preferable to the present ignorant censorship, which has nothing to do with warnings and every-

thing to do with penalties, we think the weight of opinion is in favor of the repeal of all "Comstock laws," state or national, and return to such enactments for the suppression of obscene literature as the wisdom of our law-makers rather than the low cunning of unprincipled detectives may devise. To this end we wish that Auxiliary Defense Associations might be formed in every considerable city in the Union for the purpose of defending the innocent victims of the Inquisition, and of laboring by petitioning and otherwise to wipe from the statute books the infamous legislation which gives it foot-hold on American soil. And as this is the sentiment of the NEW YORK NATIONAL DEFENSE ASSOCIATION and its supporters, having no connection whatever with either the Free Religious Association, or with the National Liberal Leagues, let no REV. JOSEPH COOK, or any other man, place it in the mouths of any other organizations than this one from which it emanates boldly and unqualifiedly. Our Banner is unfurled with the motto—"DOWN WITH COMSTOCKISM"—the enemy of a free Republic—and we invite all Christian people of every denomination, and good people of every belief or unbelief who have the good of the human family at heart, to rally under it. There is no sectarianism in our creed, and only one final object in view. This we state too definitely to be misunderstood.

BOSTON DEFENSE ASSOCIATION.

At Boston, on the 5th of Jan., 1879, an association was formed auxiliary to the National Defense Association, of N. Y., whose object is to defend all persons unjustly prosecuted by Anthony Comstock and the Society for the Suppression of Vice. The following officers were elected:—President, Mrs. Laura Kendrick; Vice-President, Moses Hull; Sec'y, Mrs. Mattie Sawyer; Treas., J. S. Ver ty; Executive Committee, Frank Rivers, J. Flora Tilton, Benjamin R. Tucker, J. H. W. Toohy, A. R. Spinney.

FRIENDS OF
**Free Mails, Free Press
AND FREE SPEECH.**

DO NOT FAIL TO SEND AT LEAST \$1
To the National Defense Association!

EXTRACTS FROM THE CONSTITUTION OF THIS ASSOCIATION.

ARTICLE II.—The objects of this Association are:

To investigate all questionable cases of prosecution under what are known as the Comstock laws, State and National, and to extend sympathy, moral support and material aid to those who may be unjustly assailed by the enemies of free speech and free press.

To rescue those who may be convicted and imprisoned for no other crime than exercising the natural right of an American citizen, to think his thoughts and express them orally or in print.

To defend honest investigators in all departments of science, and to uphold the rights of the people to acquire a thorough knowledge of human physiology.

Finally to employ all peaceful and honorable means to roll back the wave of intolerance, bigotry and ignorance, which threatens to submerge our cherished liberties.

ARTICLE III.—Any friend of the cause may become an active member of this association by the payment into its treasury of the sum of Ten Dollars (\$10.00), but the payment of One Dollar (\$1.00) shall entitle the donor to a certificate of honorary membership, for the period of one year, and to a report from the officers of this Association of its receipts, disbursements and transactions.

THE OFFICERS ARE A. L. RAWSON, D.D. LL.D., President; JOHN P. JEWETT, Esq., Vice-President; E. B. FOOTE, Jr., M. D., Secretary; G. L. HENDERSON, Esq., No. 141 Eighth street, New York, Treasurer.

EXECUTIVE COMMITTEE: T. C. LELAND, Esq., 201 East 71st St., N. Y., Chairman; HUGH BYRON BROWN; WILSON McDONALD; CHS. WINTERBURN, M. D.; CHS. CODMAN.